

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

| | | |
|-------------------------------------|---|-----------------------------------|
| KELLY ANTEKEIER, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 1:17cv786 |
| |) | |
| LABORATORY CORP. OF AMERICA, |) | |
| Defendant. |) | |

ORDER

On August 29, 2018, United States Magistrate Judge Theresa Carroll Buchanan entered a Report and Recommendation (“Report”), finding that plaintiff was entitled to an award of attorneys’ fees and costs pursuant to 29 U.S.C. § 2617(a)(3), and recommending awarding plaintiff \$395,375.23 in fees and costs.

Upon consideration of the Magistrate Judge’s thorough and well-reasoned Report, to which no objections have been filed, and the record, and having found no clear error,¹

The Court **ADOPTS**, as its own, the findings of fact and recommendations of the United States Magistrate Judge, as set forth in the Report (Doc. 194).

Accordingly,

It is hereby **ORDERED** that plaintiff’s motion for attorneys’ fees and costs (Doc. 144) is **GRANTED**.


It is further **ORDERED** that the Clerk of Court is directed to enter an amended final judgment in favor of plaintiff and against defendant in the amount of \$842,835.79 – representing

¹ See *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (in the absence of any objections to a magistrate’s report, the court “need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”).

the jury and statutory award of \$447,460.56 to plaintiff and the award of attorneys' fees and costs in the amount of \$395,375.23.

The Clerk is further directed to provide a copy of this Order to all counsel of record.

Alexandria, VA
October 16, 2018



T. S. Ellis, III
United States District Judge